

LEGISLATURE OF NEBRASKA  
ONE HUNDREDTH LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 639**

Introduced by Raikes, 25

Read first time January 17, 2007

Committee: Judiciary

A BILL

1 FOR AN ACT relating to county attorneys; to amend section 23-1203,  
2 Reissue Revised Statutes of Nebraska; to change powers  
3 and duties of county attorneys; and to repeal the  
4 original section.

5 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 23-1203, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           23-1203 ~~The~~ (1) Until July 1, 2008, the county attorney  
4 shall without fee or reward give opinions and advice to the  
5 board of county commissioners and other civil officers of their  
6 respective counties, when requested so to do by such board or  
7 officers, upon all matters in which the state or county is  
8 interested, or relating to the duty of the board or officers in  
9 which the state or county may have an interest. Until July 1,  
10 2008,  ~~+ PROVIDED,~~ in all counties of this state the county board  
11 may employ such additional counsel in civil matters as it may  
12 deem necessary. Such attorney or attorneys shall counsel the board  
13 or county officers on such civil matters as the board may lay  
14 before him or them, and determine, shall prosecute or defend, on  
15 behalf of the county or any of its officers, such civil actions or  
16 proceedings as the interests of the county may ~~in their judgment~~  
17 require, and shall receive such reasonable compensation in each  
18 case as the board and such counsel may agree upon.

19           (2) On and after July 1, 2008, the county attorney shall  
20 have the general control and supervision of all actions and legal  
21 proceedings in which any political subdivision with headquarters  
22 within the county may be a party or may be interested and shall  
23 have charge and control of all the legal business of any such  
24 political subdivision which requires the services of an attorney  
25 in order to protect the interests of the state or the political

1 subdivision. The county attorney may employ such additional counsel  
2 as he or she deems necessary to counsel the governing body or any  
3 officer of any such political subdivision on such civil matters.  
4 The county attorney or such additional counsel shall prosecute or  
5 defend, on behalf of such political subdivision or any of its  
6 officers, such civil actions or proceedings as the interests of the  
7 state or political subdivision may require in the judgment of the  
8 county attorney. Such additional counsel shall receive reasonable  
9 compensation from the governing body of such political subdivision  
10 as the county attorney, the governing body of such political  
11 subdivision, and such counsel agree upon. The county board shall  
12 establish a schedule of charges for the services of the county  
13 attorney that shall apply equally to each political subdivision  
14 and to the county. Each political subdivision shall compensate the  
15 county for the services of the county attorney according to such  
16 schedule.

17           Sec. 2. Original section 23-1203, Reissue Revised  
18 Statutes of Nebraska, is repealed.